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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------------------------|-------------|----------------------|---------------------|------------------|
| 09/879,573 | 06/12/2001 | Chunzhi Wang | PU010130 | 4744 |
| 7590 07/25/2008 | | | | |
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| SALTARELLI, DOMINIC D | | | | |
| ART UNIT | | PAPER NUMBER | | |
| 2623 | | | | |
| MAIL DATE | | DELIVERY MODE | | |
| 07/25/2008 | | PAPER | | |

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

09/879,573

Applicant(s)

WANG ET AL.

Examiner

DOMINIC D. SALTARELLI

Art Unit

2623

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 May 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 3-9, 11-14, 16-18, 20-22 and 24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 11-14, 16-18 and 20-22 is/are allowed.
- 6) ☒ Claim(s) 3-9 and 24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____
- Paper No(s)/Mail Date _____

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claims 3-9 and 24 have been considered but are moot in view of the new grounds of rejection.
2. However, the examiner will address what the applicant refers to as 'Deficiency 2' of Bedard (applicant's remarks, page 4).

Bedard teaches incrementing characteristic weights based upon a count of time periods as cited (col. 3 line 63 – col. 4 line 26 and col. 5, lines 34-48). However this increment is not adjusted by a relevancy factor. This is what is asserted by the examiner and rectified via modification in view of Abecassis, as prior to modification in view of Abecassis, the relevancy factor in Bedard is essentially 1 for all characteristics. In view of Abecassis, this relevancy factor is adjusted based on the relevancy data which has been introduced in order to more accurately classify content. Therefore, there is no contradiction concerning these elements in the outstanding rejection of claim 24.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 3-9 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bedard (5,801,747, listed on the IDS submitted April 15, 2005) in view of Smith et al. (EP 1 091 581 A2, of record) [Smith], Abecassis (5,610,653, of record), and Maissel et al. (6,637,029) [Maissel].

Regarding claim 24, Bedard discloses a system for generating a list of suggested scheduled television programs (col. 3, lines 26-56) comprising:

means for receiving television program schedule data comprising broadcast time and characteristics of scheduled programs (an inherent feature of the Bedard disclosure, as the schedule data comprises broadcast times required for displaying the data displayed in figs. 4 and 5 and characteristic data used for populating the list shown in fig. 2, col. 4, lines 49-65);

means for identifying a first television program being viewed by a user and receiving data regarding a first program characteristic of the first television program, said first program characteristic being one of said scheduled program characteristics of said plurality of scheduled television programs (col. 3, lines 33-38);

means for storing a user profile for said user, said user profile including characteristic weights given by the user to the scheduled program characteristics of said plurality of scheduled television programs, said characteristic weights further include a weight for said first program characteristic of said first television program (fig. 2);

first processor means for periodically incrementing characteristic weights in said table based on said characteristics data for said television program viewing viewed by said user based on time periods watched (col. 3 line 63 – col. 4 line 26 and col. 5, lines 34-48);

first user interface means (col. 3, lines 4-15) for requesting a list of suggested television programs scheduled to be broadcast (col. 7, lines 19-27);
and

second processor means for generating said list of suggested television programs by sorting said schedule according to said characteristics of scheduled programs and said table of characteristics weights for said user (col. 7, lines 19-27).

Bedard fails to disclose means for storing a characteristics relevancy factor and the periodic incrementing of characteristic weights includes considering a characteristics relevancy factor (time watched times relevancy factor), selecting a future time period for displaying suggested television programs scheduled to be broadcast during said future time period, and a second user interface means for selecting between a first mode wherein a television program having a plurality of characteristics wherein at least one of said plurality of characteristics has a zero weight in said table of characteristic weights for a user is included in said list of suggested television programs, and a second mode wherein a television program having at least one characteristic

which has a zero weight in said table is not included in said list of suggested television programs.

In an analogous art, Smith teaches an electronic program guide wherein users are provided with the option to view future programming, allowing users to plan their viewing schedule in advance (paragraph 14).

It would have been obvious at the time to a person of ordinary skill in the art to modify the system disclosed by Bedard to include in the user interface a means for selecting a future time period, as taught by Smith, for the benefit of allowing users to plan their viewing schedule well ahead of time.

Bedard and Smith fail to disclose means for storing a characteristics relevancy factor and the periodic incrementing of characteristic weights includes considering a characteristics relevancy factor, and a second user interface means for selecting between a first mode wherein a television program having a plurality of characteristics wherein at least one of said plurality of characteristics has a zero weight in said table of characteristic weights for a user is included in said list of suggested television programs, and a second mode wherein a television program having at least one characteristic which has a zero weight in said table is not included in said list of suggested television programs.

In an analogous art, Abecassis teaches a system that utilizes viewer content preferences to select content (col. 9, lines 8-19) wherein characteristics of programming include relevancy data (each category includes a coding scale relating the relevancy of that category to the programming content in question,

shown in fig. 1a, col. 7, lines 52-60), providing the benefit of a more descriptive and accurate methodology for classifying content (col. 8, lines 1-34).

It would have been obvious at the time to a person of ordinary skill in the art to modify the system disclosed by Bedard and Smith to include relevancy data with said characteristics data, as taught by Abecassis, providing the benefit of a more descriptive and accurate methodology for classifying and subsequently selecting content.

Bedard, Smith, and Abecassis fail to disclose a second user interface means for selecting between a first mode wherein a television program having a plurality of characteristics wherein at least one of said plurality of characteristics has a zero weight in said table of characteristic weights for a user is included in said list of suggested television programs, and a second mode wherein a television program having at least one characteristic which has a zero weight in said table is not included in said list of suggested television programs.

In an analogous art, Maissel teaches a program guide user interface (col. 12, lines 46-59 and col. 14 line 54 - col. 15 line 10) wherein two alternate modes are selectable using said user interface means (using a user's stored profile, or an 'anti-profile'), wherein if a first mode is selected, programs having a plurality of characteristics wherein at least one of said plurality of characteristics has a zero weight in said table of characteristic weights for a user is included in said list of suggested television programs (anti-profile, col. 15, lines 5-10), and a second mode wherein a television program having at least one characteristic which has a

zero weight in said table is not included in said list of suggested television programs (user's standard profile, where some programs have been assigned a weight of zero by the user, programs or types of programs a viewer has indicated as preferring not to view at all, col. 12, lines 57-59).

It would have been obvious at the time to a person of ordinary skill in the art to modify the system disclosed by Bedard, Smith, and Abecassis to include a second interface wherein two alternate modes are selectable using said user interface means, wherein if a first mode is selected, programs having a plurality of characteristics wherein at least one of said plurality of characteristics has a zero weight in said table of characteristic weights for a user is included in said list of suggested television programs, and a second mode wherein a television program having at least one characteristic which has a zero weight in said table is not included in said list of suggested television programs, as taught by Maissel, adding to the flexibility of the system.

Regarding claim 3, Bedard, Smith, Abecassis, and Maissel disclose the system of claim 1, wherein Bedard discloses the characteristics are categories and subcategories (which are equivalent to Topic and Theme, col. 4, lines 49-65) but fail to disclose wherein if said first mode is selected, the average weights for a plurality of categories (Topics) in a program are added in calculating a program weight.

It is notoriously well known in the art to utilize averages in filtering algorithms, as an average of several factors provides a simpler and more reliable gauge for selecting an item when dealing with a number of factors associated with each item.

It would have been obvious at the time to a person of ordinary skill in the art modify the system of Bedard, Smith, Abecassis and Maissel to add up the average weights of each category (Topic) in calculating a program's weight, for the benefit of using a simpler and more reliable gauge for selecting programs, as averaging the subcategories of each category gives a more realistic deciding factor for the filtering algorithm when it adds the categories.

Regarding claim 5, Bedard, Smith, Abecassis, and Maissel disclose the system of claim 1, wherein said future time period is determined by a user selected start and stop time (the EPG has a default span of 2 hours, shown in fig. 1 of Smith, wherein the times are user selectable in that the user selects the start time [future time period] and the stop time is 2 hours after this start time, and this done by "advancing" the guide, paragraph 14).

Regarding claims 4 and 6, Bedard, Smith, Abecassis, and Maissel disclose the system of claim 1, but fail to disclose including user interface means for saving a selected future time period or the first mode as a default.

It is notoriously well known in the art to save default settings in programs manipulated by users, allowing users to save preferred settings for each subsequent use of the program.

It would have been obvious at the time to a person of ordinary skill in the art to modify the system disclosed by Bedard, Smith, and Maissel to include user interface means for saving a selected future time period or the first mode as a default, for the benefit of allowing a user to save the preferred future time period or desired suggestion mode for automatic use during subsequent uses of the system.

Regarding claim 7, Bedard, Smith, Abecassis, and Maissel disclose the system of claim 1, wherein said characteristics are Topic and Theme (Bedard, category is equivalent to topic and subcategory is equivalent to theme, col. 4, lines 49-65), and said characteristic weights are the sum of the number of time periods a program having a Topic_Theme is viewed by a user (Bedard, col. 3 line 63 – col. 4 line 14 and col. 4, lines 49-65). Further, the combination results in said characteristic weights are the sum of the number of time periods a program having a Topic_Theme is viewed by a user times the characteristics relevancy factor of said Topic_Theme, as the relevancy data added is expressly for the purpose of providing a preference filtering algorithm with information regarding how much of a particular characteristic is found with a particular program.

Regarding claim 8, Bedard, Smith, Abecassis, and Maissel disclose the system of claim 1, including means to identify one of a plurality of users (Bedard, col. 3, lines 49-52) and to store a mode selection of said user identified in a user profile (Bedard, storage of locking or time restriction information for each user, col. 3, lines 52-55).

Regarding claim 9, Smith additionally discloses adding listed programs to a user plan to view list (paragraph 15), for the benefit of allowing users to store programming for viewing that is not yet available.

It would have been obvious at the time to a person of ordinary skill in the art to further modify the system disclosed by Bedard, Smith, Abecassis, and Maissel to include adding listed programs to a user plan to view list, as taught by Smith, for the benefit of allowing users to store programming for viewing that is not yet available.

Allowable Subject Matter

5. Claims 11-14, 16-18, and 20-22 are allowed.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DOMINIC D. SALTARELLI whose telephone number is (571)272-7302. The examiner can normally be reached on Monday - Friday 9:00am - 6:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Miller can be reached on (571) 272-7353. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Dominic D Saltarelli/
Examiner, Art Unit 2623